

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**JENNIFER HAYDEN &  
PATRICK HAYDEN**

**Plaintiffs,**

**v.**

**AETNA, INC.**

**Defendant.**

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**Case No.:**

**JURY TRIAL DEMAND**

**DEFENDANT’S NOTICE OF REMOVAL TO FEDERAL COURT**

**COMES NOW**, Defendant Aetna, Inc., by and through their undersigned counsel, and pursuant to 28 U.S.C. §1441(a), 28 U.S.C. §1446, and 28 U.S.C. §1332, files its Notice of Removal of the above-captioned matter to the United States District Court for the Western District of Missouri, Western Division. Aetna, Inc. asserts the following grounds supporting removal:

1. The underlying petition states and alleges that plaintiff Jennifer Hayden is a citizen of the State of Missouri. *See* Petition, attached hereto as **Exhibit A**, at ¶ 1. The underlying petition further states and alleges that plaintiff Patrick Hayden is the spouse of Jennifer Hayden. *See* **Exhibit A**, at ¶ 2.

2. Defendant Aetna, Inc. is a publicly held corporation, whose headquarters and principal place of business are in Hartford, Connecticut. Aetna, Inc. is and was at all material times incorporated under the laws of the State of Pennsylvania. Accordingly, Aetna, Inc. is a citizen of the states of Connecticut and Pennsylvania for the purpose of determining diversity jurisdiction. However, Aetna, Inc. is incorrectly identified as a defendant herein. Rather, Aetna Life Insurance Company is the proper party. Aetna Life Insurance Company is headquartered and incorporated in Connecticut.

3. Complete diversity of citizenship thus exists between the parties in that in that Plaintiff and Defendant are now, and were at the time this action commenced, diverse in citizenship from each other, pursuant to 28 U.S.C. § 1332.

4. The amount in controversy, for purposes of 28 U.S.C. § 1332, exceeds the sum of \$75,000 exclusive of interest and costs.

5. Consequently, the district courts of the United States have original jurisdiction over this action based by virtue of 28 U.S.C. § 1332(a).

6. Counsel accepted service and thirty days have not yet expired since defendant received the initial pleading in this action. Further, plaintiff filed their petition on June 21, 2018, less than a year ago. Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446.

7. Pursuant to 28 U.S.C. § 1446(a), venue of the removed action is proper in this Court as it is the district and division embracing the place where the State Court Action is pending.

8. Immediately upon the filling of this notice of removal, defendant will file a statement of removal with the Clerk of the Circuit Court of Jackson County, Missouri. Thereby providing notice pursuant to 28 U.S.C. § 1446(d), to the State court and all other parties.

9. Aetna, Inc. is the only defendant in this matter, and thus consent to removal from other defendants is not necessary.

10. Copies of the remaining documents filed in the Circuit Court of Jackson County, Missouri at Kansas City Case No. 1816-CV16327 are attached hereto as **Exhibit B**.

11. Defendant designates the United States District Court for the Western District of Missouri as the place for trial.

**WHEREFORE**, Defendant hereby removes the above-captioned action now pending in the Circuit Court of Jackson County, Missouri, and respectfully requests that this Court assume

full jurisdiction of this proceeding for all purposes as if originally filed in this Court, including but not limited to issuing any order necessary to stay proceedings in the State Court Action.

*Respectfully submitted,*

**NORRIS & KEPLINGER, L.L.C.**

By: /s/ Emily Tung  
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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing was filed and served via the Court's ECF system, and a copy sent via electronic mail this 7th day of September, 2018, to the following:

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